



Crl.O.P.No.3392 of 2023

Crl.O.P.No.3392 of 2023

T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 427, 506(i) IPC in Crime No.576 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners trespassed into the house of the defacto complainant and broke open the gate unlawfully and caused damage to the belongings which is kept inside the house. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners were earlier granted anticipatory bail by the trial Court in Crl.M.P.No.24763 of 2022 vide Order dated 14.12.2022, however they were unable to furnish the sureties and thereby, the earlier Order has got lapsed and the present anticipatory bail has been filed.



Crl.O.P.No.3392 of 2023

WEB COPY

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners trespassed into the house of the defacto complainant and broke open the gate unlawfully and caused damage to the belongings which is kept inside the house. He would further submit that the petitioners were earlier granted anticipatory bail by the trial Court in Crl.M.P.No.24763 of 2022 vide Order dated 14.12.2022, however they failed to execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.3392 of 2023

WEB COPY

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police on every Tuesday and Sunday at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation.



WEB COPY



Crl.O.P.No.3392 of 2023

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

22.02.2023

vkrr



WEB COPY



Crl.O.P.No.3392 of 2023

T.V.THAMILSELVI,J.

vkf

Crl.O.P.No.3392 of 2023

22.02.2023